UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

C.A. No. 05-11045-GAO

MICHAEL BAEZ, Plaintiff

v.

MICHAEL MALONEY, et al., Defendants

DEFENDANTS' SUPPLEMENTAL OPPOSITION TO THE PLAINTIFF'S MOTION TO COMPEL PRODUCTION OF DOCUMENTS (REQUESTS NOS. 10 $\underline{\text{AND 11}}$)

Now come the defendants, and oppose the plaintiff's motion to compel the production of documents pursuant to the plaintiff's Request For Production of Documents, Requests numbered 5, 10 and 11. As grounds, the defendants state that the motion to compel is moot. They have provided their responses to these requests within thirty days of the Court's March 6, 2007 order. ¹ See Exhibit A, attached.

For the foregoing reasons, the defendants request that the plaintiff's motion to compel on Requests Nos. 5, 10, and 11, be denied.

Respectfully submitted,

The defendants, By their attorneys,

Dated: March 27, 2007

NANCY ANKERS WHITE Special Assistant Attorney General

<u>/s/ Margaret Melville</u> Margaret Melville BBO #477970

¹ Undersigned counsel mistakenly omitted the defendants' original responses to the plaintiff's requests Nos. 10 and 11, because of her failure to catch a computer problem that erroneously pasted the responses to a document in another case, and not because of an intent by defendants not to respond to these requests. The responses are being provided today in the Supplemental Response.

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Department of Correction Legal Office
70 Franklin Street, Suite 600 Boston, MA 02110 617-727-3300 ext. 149 msmelville@doc.state.ma.us

CERTIFICATE OF SERVICE

I, Margaret Melville, certify that on this day, I have served the plaintiff pro se in the aboveentitled action with a true and accurate copy of the foregoing and Certificate of Service at his addresses of record, by First Class Mail, postage prepaid.

March 27, 2007

/s/ Margaret Melville Margaret Melville

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

C.A. No. 05-11045-GAO

MICHAEL BAEZ, Plaintiff

v.

MICHAEL MALONEY, et al., Defendants

DEFENDANTS' SUPPLEMENTAL RESPONSE TO THE PLAINTIFF'S REQUEST FOR PRODUCTION OF DOCUMENTS

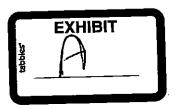
Now come the defendants, and supplement their responses to the plaintiff's request for production of documents, Nos. 5, 10, and 11, as ordered by the Court, as follows.

SPECIFIC OBJECTIONS AND RESPONSES

Subject to the previously raised objections and without waiving them, and without conceding that any documents are properly discoverable in the above-captioned action, relevant to the subject matter involved in the above-captioned action, or admissible as evidence, Defendants respond as follows:

Request 5

Copy of inventory list of items removed from the plaintiff's cell during and after this extraction.



Response 5

There are no inventory lists responsive to this request for the time period "during" the extraction. For the inventory sheet "after" the extraction, see attached. There are no other documents responsive to the plaintiff's request in the possession, custody, or control of the defendant.

Request 10

Copy of all defendants' complete personal/professional file [sic] in regards to them being disciplined, reprimanded, and/or investigated for past allegations of abuse upon inmates and for the incident. (Please include results)

Response 10

The defendants object to this request on the ground that the plaintiff, a state prison inmate serving state prison sentences for Armed Robbery, Use of Body Armor in Committing a Felony, Assault and Battery with a Dangerous Weapon, who previously served time for firearms convictions, and a commitment to Bridgewater State Hospital, and currently having a prospective discharge date of November 11, 2007, is seeking personal information on public safety employees in violation of G.L. c. 4, §7 clause 26. Without waiving this objection, the defendants respond that no records responsive to this request exist.

Request 11

Copy of the results of internal investigation done in regards to this incident, which was ordered by presentment coordinator Susan Gaeta from the Attorney General's Office on June 7, 2004.

Document 39-2

Response 11

No investigation was ever ordered as described in this request and no documents responsive to this request exist.

Respectfully submitted,

The defendants, By their attorneys,

Dated: March 27, 2007

NANCY ANKERS WHITE Special Assistant Attorney General

/s/ Margaret Melville

Margaret Melville BBO #477970 Department of Correction Legal Office 70 Franklin Street, Suite 600 Boston, MA 02110 617-727-3300 ext. 149 msmelville@doc.state.ma.us

CERTIFICATE OF SERVICE

I, Margaret Melville, certify that on this day, I have served the plaintiff pro se in the aboveentitled action with a true and accurate copy of the foregoing and Certificate of Service at his addresses of record, by First Class Mail, postage prepaid.

March 27, 2007

/s/ Margaret Melville Margaret Melville

DATE:

OFFICER:

INMATE:

403-7

Page 4 of 8

103 DOC 403 INMATE PROPERTY

PROPERTY INVENTORY

INMATE BAFZ, MICHO		LACIVICE	H W69027		
APPLIANCES/ACCESSORIES SEAL # SERIAL 1 TV 13" /No Speakers*	# AMOUNT	CONDITION		AMOUNT	CONDITION
1 AM/FM Radio *	 -	 	Trousers (5)		
1 Fan 12" *	 	 	Shirts (5)		
1 Musical Instrument	- 	<u> </u>	Underwear (10)		
1 Typewriter	- -	<u> </u>	T-Shirts (10)		1
1 Walkman *	 	<u> </u>	Socks (10)	T .	1
1 Hot Pot *		ļ	Sweatshirts (2)		
		<u> </u>	Sweatpants (2)		
2 Headphones *			Hats (2)	1	
Extension Cord			Gloves (2)	1	
JEWELRY			Gym Shorts (2)		
1 Watch			Pajamas (2)	 -	
1 Wedding Band			Bathrobes (1)	 	
1 Religious Medal			Coat (2)	 	 -
1 Medical Alert Medal			Termal Top (2)>	-	 -
Earring (Females Only)			Thermal Bottoms (2)	1 2	
THE COLUMN			Sweaters (2)	 	ļ
MISCELLANEOUS			Handkerchiefs (5)	 	<u> </u>
Mirror 5			Shoes		<u> </u>
Stationery			Sneakers (Brand)	 	
Stamps	N. Comments		Slippers/Shower Shoes	 	
10 Pens/Pencils			Boots	 	
Weight Belt			Belts (2) Buckles	 	
Weight Gloves	- 		Delta (2) Duckies	 	
10 Books/Magazines/Newspapers **			PRE-RELEASE ONLY	}	
3 Tobacco Pipes			1 Alarm Clock (Min/PR)	 	·
Cigarettes/Cigars (30 Total)	- - -		2 Suit, Tie, Sport Coat	 	· · · · · · · · · · · · · · · · · · ·
1 Lighter * > Letters/Photos/Newsclippings	_	 -	1 Bathing Suit	 	
Letters/Photos/Newsclippings			1 Hair Dryer Hand Held	 	
Legal Documents			5 Work Uniforms	 	
3 Games, Table Type				 	
15 Toilet Articles			1 Bicycle/Bicycle Lock	 	
1 Combination Lock *			1 Umbrella	 -	<u></u>
1 Eyeglasses/Sunglasses				 	
Hearing Aid/Orthopedic Aid	- 			<u> </u>	<u> </u>
Prosthesis Aid			<u> </u>	<u> </u>	
Sewing Kit				٤	
1 Billfold	- 				
1 Cup					
TROWIZ W/LID					
TOWNS WAY CITY					
SENDING INST. STOCK		REC INST	WALRKE.		

White - Property Green - Sending Institution Canary - Inmate Pink - Receiving Institution Gold - Unit Team * CANTEEN PURCHASE ONLY EXCEPT IN PRE-RELEASE

DATE:

OFFICER:

INMATE:

^{** 10} MAX DOES NOT INCLUDE BOOKS FOR TEMPORARY USE IN EDUCATIONAL PROGRAMS

PROPERTY INVENTORY

INMATE BAFZ, MICHAEL NUMBER W69027

APPLIANCES/ACCESSORIES SEAL # SERI	AL# AMOUNT	CONDITION	CLOTHING	AMOUNT	CONDITION	
1 TV 13" /No Speakers*			Trousers (5)		1	
1 AM/FM Radio *			Shirts (5)		 	
1 Fan 12" *			Underwear (10)		·	
1 Musical Instrument			T-Shirts (10)			
1 Typewriter			Socks (10)	:	 	
1 Walkman *			Sweatshirts (2)	 		
1 Hot Pot *			Sweatpants (2)	 		
2 Headphones *	1.	ļ · · · · · · · ·	Hats (2)	 	-	
Extension Cord			Gloves (2)			
JEWELRY ;			Gym Shorts (2)		 -	
1 Watch			Pajamas (2)	 	 	
1 Wedding Band			Bathrobes (1)	- 		
1 Religious Medal		<u> </u>	Coat (2)	 		
1 Medical Alert Medal	- -		Tonermal Top (2)>	1		
Earring (Females Only)			Thermal Bottoms (2)	 		
			Sweaters (2)	 		
MISCELLANEOUS			Handkerchiefs (5)	- 		
Mirror 5x7	/		Shoes			
Stationery	 		Sneakers (Brand)		<u> </u>	
Stamps	 -		Slippers/Shower Shoes			
10 Pens/Pencils		-	Boots			
Weight Belt			Belts (2) Buckles			
Weight Gloves		· · · · · · · · · · · · · · · · · · ·	Delts (2) Duckles	 		
10 Books/Magazines/Newspapers **		l	PRE-RELEASE ONLY	 -		
3 Tobacco Pipes		<u> </u>	1 Alarm Clock (Min/PR)	 		
Cigarettes/Cigars (30 Total)			2 Suit, Tie, Sport Coat			
1 Lighter *			1 Bathing Suit		 -	
Letters/Photos/Newsclippings				 -i	-:	
Legal Documents			1 Hair Dryer Hand Held 5 Work Uniforms			
3 Games, Table Type				 	1	
15 Toilet Articles			Bicycle/Bicycle Lock Umbrella	 	····	
1 Combination Lock *			i Unibrella	ļ		
1 Eyeglasses/Sunglasses				 	·	
Hearing Aid/Orthopedic Aid				· · · · · · · · · · · · · · · · · · ·		
Prosthesis Aid					<u> </u>	
Sewing Kit			<u> </u>		<u> </u>	
	··			<u> </u>		
1 Billfold 1 Cup			·			
				<u> </u>		
A Bowl W/LIO				<u> </u>		
SENDING INST. STOCK		REC. INST.	WALKEL	٠	ļ	
DATE: 8/12-02	DATE:					
OFFICER: TOMMAN		OFFICER:				
Fire James						
INMATE:	INMATE:					

White - Property Green - Sending Institution Canary - Inmate Pink - Receiving Institution Gold - Unit Team * CANTEEN PURCHASE ONLY EXCEPT IN PRE-RELEASE

403-7

^{** 10} MAX DOES NOT INCLUDE BOOKS FOR TEMPORARY USE IN EDUCATIONAL PROGRAMS

403-7

PROPERTY INVENTORY

INMATE: BACZ	, Mic	hael	\	NU	MBER: W690	27	
APPLIANCE / ACCESSORIES	, SEAL#	SERIAL#	AMOUNT	CONDITION	CLOTHING	AMOUNT	CONDITION
1 TV 13" w/No Speakers *		<u> </u>	,	T	Trousers (5)	741100111	I
1 AM / FM Radio *					Shirts (5)		
1 Fan 12" *					Underwear (10)		
1 Musical Instrument				 	T-Shirts (10)		
1 Typewriter		·		 	Socks (10)	·	
1 Waikman *					Sweatshirts (2)		
1 Hot Pot *	i				Sweatpants (2)		
2 Headphones *		-			Hats (2)		
Extension Cord		•			Gloves (2)		
					Gym Shorts (2)		
JEWELRY					Pajamas (2)		
1 Watch	-				Bathrobe (1)		
1 Wedding Band					Coats (2)		
1 Religious Medal					enermal Tops (2)	1	
1 Medical Alert Medal					Thermal Bottoms (2)		
Earings (Females Only)					Sweaters (2)		<u> </u>
					Handkerchiefs (5)		i .
MISCELLANEOUS				<u> </u>	Shoes		
1 Mirror, 5x7					Sneakers (Brand)		
Stationery					Slippers / Shower Shoes		
Stamps					Boots		1
10 Pens / Pencils			17		Belts w/Buckles (2)		1
Weight Belt					, , , , , , , , , , , , , , , , , , ,		· · · · · · · · · · · · · · · · · · ·
Weight Gloves					PRE-RELEASE ONLY	,	
10 Gooks/ Magazines / Newspap	ers **		2_		1 Alarm Clock (Min. / PR)		
Letters Photos / Newsclippings			1		2 Suits, Ties, Sport Coats		
Legal Documents		<u> </u>			1 Bathing Suit		
3 Games, Table Type					1 Hair Dryer, Hand Held		
15 Toilet Articles	~				5 Work Uniforms	· · · · · · · · · · · · · · · · · · ·	1
1 Combination Lock *					1 Bicycle w/Bicycle Lock		
1 Eyeglasses / Sunglasses				<u> </u>	1 Umbrella		
Hearing Aid / Orthopedic Aid				<u> </u>	COMB		
Prosthesis Aid	-				SOAP DISH		[.
Sewing Kit	_						
1 Billfold							
1 Cup				1F			
1 Bowl リルウ			1	•			
				<u> </u>			
			<u> </u>				
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DATE				 	k,		• •
DATE:				DATE:	8-10-0		
OFFICER:				OFFICER:	RD		•

White - Property

INMATE:

Green - Sending Institution

Canary - Inmate

INMATE:

Pink - Receiving Institution

Gold - Unit Team

^{*} CANTEEN PURCHASE ONLY EXCEPT IN PRE-RELEASE.

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PROPERTY INVENTORY

					,		
APPLIANCES/ACCESSORIES	SEAL #	SERIAL #	AMOUNT	CONDITION	CLOTHING	AMOUNT	CONDITION
1 TV 13" /No Speakers*	<u>:</u>	-	 	 	Trousers (5)		<u> </u>
1 AM/FM Radio *			-	<u> </u>	Shirts (5)	<u> </u>	<u> </u>
1 Fan 12" *			 	ļ	Underwear (10)	_	
1 Musical Instrument			 		T-Shirts (10)		
1 Typewriter				ļ	Socks (10)	1	
1 Walkman *			 _	<u> </u>	Sweatshirts (2)	V	
1 Hot Pot *	<u> </u>	L <u></u>	ļ <u>.</u>		Sweatpants (2)		
2 Headphones *					Hats (2)		
Extension Cord				<u> </u>	Gloves (2)		1.
JEWELRY			 	ļ	Gym Shorts (2)		
1 Watch			ļ		Pajamas (2)		
1 Wedding Band			<u> </u>		Bathrobes (1)		
1 Religious Medal		<u> </u>	<u> </u>	<u> </u>	Coat (2)		
1 Medical Alert Medal	<u>.</u>		ļ <u> </u>		Thermal Top (2)		
Earring (Females Only)		<u> </u>	<u> </u>		Thermal Bottoms (2)		
L			<u> </u>		Sweaters (2)		
MISCELLANEOUS		-	<u> </u>		Handkerchiefs (5)		· ··· ·
1 Mirror 5x7					Shoes		
Stationery		<i>,</i>	<u> </u>		Sneakers (Brand)		-
Stamps			<u> </u>		Slippers/Shower Shoes		
10 Pens/Pencils	•	·		<u> </u>	Boots		
Weight Belt					Belts (2) Buckles		
Weight Gloves						 	
10 Books/Magazines/News	papers **		1		PRE-RELEASE ONLY	 	
3 Tobacco Pipes					1 Alarm Clock (Min/PR)	1	
Cigarettes/Cigars (30 Total)					2 Suit, Tie, Sport Coat	 	
1 Lighter *	:	-			1 Bathing Suit	 	-
Letters/Photos/Newsclippir	ngs		اسميا		1 Hair Dryer Hand Held	 	····
Legal Documents		-	1		5 Work Uniforms		
3 Games, Table Type			1		1 Bicycle/Bicycle Lock	1	
15 Toilet Articles	-		in the same		1 Umbrella	 	
1 Combination Lock *	•	_	· ·		AAA BAILEIGS	11	
1 Eyeglasses/Sunglasses					THE DATE THE	1-1	- · · · · · · · · · · · · · · · · · · ·
Hearing Aid/Orthopedic Aid	-					 	··-
Prostnesis Aid			 		·	 	
Sewing Kit			<u> </u>			 	
1 Billfold				- 		 	
1 Cup				- 		1	
1 Bowi			 	 		 	
			<u></u>		······································		
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INMATE:			INMATE:				

White - Property Green - Sending Institution Canary - Inmate Pink - Receiving Institution Gold - Unit Team

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403-7

INMATE: BACZ, Michael NUMBER: W69027

APPLIANCE / ACCESSORIES	SEAL#	SERIAL#	AMOUNT	CONDITION	CLOTHING	AMOUNT	CONDITION
1 TV 13" w/No Speakers *	· · · · · · · · · · · · · · · · · · ·		1		Trousers (5)	AWOON	T
1 AM / FM Radio *				· · · · · ·	Shirts (5)		
1 Fan 12" *		 			Underwear (10)		
1 Musical Instrument		 		 	T-Shirts (10)		
1 Typewriter		 		 	Socks (10)		<u> </u>
1 Walkman *		 		 	Sweatshirts (2)	 	·
1 Hot Pot *		 	 	 -	Sweatpants (2)		
2 Headphones *		!			Hats (2)		
Extension Cord				· · ·			ļ
2.101.0.01.001.0					Gloves (2)		ļ
JEWELRY	•	 	- -	 	Gym Shorts (2)	 	ļ <u></u>
1 Watch				 _	Pajamas (2)		
1 Wedding Band					Bathrobe (1)		
1 Religious Medal					Coats (2)		
1 Medical Alert Medal	<u>.</u>		 	 	Thermal Tops (2)		
	·		<u> </u>	 	Thermal Bottoms (2)	1	
Earings (Females Only)			<u> </u>	 	Sweaters (2)		
MICOELLANGOUS					Handkerchiefs (5)	<u> </u>	
MISCELLANEOUS				<u> </u>	Shoes		
1 Mirror, 5x7	<u></u>				Sneakers (Brand)		
Stationery		<u> </u>	السسساء	T	Slippers / Shower Shoes		_
Stamps	•		·		Boots		
10 Pens / Pencils					Beits w/Buckles (2)		
Weight Belt							
Weight Gloves					PRE-RELEASE ONLY		
to Books Magazines / Newspaper	rs **		4		1 Alarm Clock (Min. / PR)		<u> </u>
Letters Photos Newsclippings					2 Suits, Ties, Sport Coats		
Legal Documents	_	-			1 Bathing Suit		
3 Games, Table Type				·	1 Hair Dryer, Hand Held	 	 -
15 Toilet Articles			4	+	5 Work Uniforms	 	
1 Combination Lock *		_			1 Bicycle w/Bicycle Lock		
1 Eyeglasses / Sunglasses			_	<u> </u>	1 Umbrella		
Hearing Aid / Orthopedic Aid				 	Batterin	 	
Prosthesis Aid	·				+nuesus		
Sewing Kit	-			 			
1 Billfold	:						
1 Cup				 	onlos	-	
1 Bowl						- i	
		-		 			
				 		- ,	<u> </u>
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SENDING INST. SC				RECEIVING II	NST. / Walorle	WE	su
DATE:				DATE;	9/2/2	/	
				DAIE,	- 7/3/0,2	_	
OFFICER:		· · · <u> </u>		OFFICER:	Jan		
				I	\/\/ \\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \		

White - Property

Green - Sending Institution

Canary - Inmate

Pink - Receiving Institution

Gold - Unit Team

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